



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

To: State and Clare County Boundary Commissioners

From: Christine Holmes
Commission Specialist

Date: September 8, 2008

Subject: **DOCKET # 08-AP-3**
Legal Sufficiency Review
Petition for Annexation of Certain Territory in Grant Township
to the City of Clare

This memo supersedes my previous memo dated July 28, 2008. The following comments are for your consideration on the legal sufficiency of this petition based upon my review:

1. This petition to request the annexation of 231.02 acres in Grant Township to the City of Clare was filed with the Boundary Commission on July 25, 2008.
2. Part IIa identifies the petitioner as Clare Northern Group, L.L.C. Parts IV and Va of the petition are signed by Mr. Thomas Kunse, managing member. This petition contains a resolution and meeting minutes, both of which authorize Mr. Thomas Kunse to execute any annexation petitions and related documents for the annexation of 199.07 acres on behalf of Clare Northern Group, L.L.C. The resolution and meeting minutes, both of which include a legal description, are the same documents that were filed with Docket #08-AP-1 and #08-AP-2.
3. Business entity documents for Clare Northern Group, L.L.C. are on file with the State of Michigan, and represent that the company is managed by members.
4. Part V of the petition contains documentation that the petitioner owns record legal title to 199.5 acres, which represents an area greater than 75% of the territory proposed for annexation.
5. The petition identifies the territory proposed for annexation as being contiguous with the Clare city limits by approximately 1,790 feet.

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30704 • LANSING, MICHIGAN 48909
Telephone (517) 241-6321 • Fax (517) 241-6301
www.michigan.gov/dleg • www.michigan.gov/sbc

DLEG is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

6. Prior to the August 21 Commission meeting, representatives for the City and the Township informed this office that a 425 Agreement had been negotiated for the subject property. As a result, the petitioner requested that the Commission postpone the determination of legal sufficiency on this petition from August 21 to the September 18 meeting, with which the Commission concurred.

On the September 4th expiration date of the referendum period, representatives for the City and the Township informed this office that no referendum petition was filed, that execution of the agreement is scheduled for September 9, and that the agreement is expected to be filed with the Office of the Great Seal (Secretary of State) shortly thereafter.

Public Act 425 of 1984 states that "while a contract under this act is in effect, another method of annexation or transfer shall not take place for any portion of an area transferred under the contract." (M.C.L. 124.29)

At the September 18 Commission meeting, I will report further on the status of the agreement.

If necessary, Mr. Keith Lambert, director of the Office of Land Survey and Remonumentation, is available to present his legal sufficiency review of the petition. A copy of his letter will be included in your notebooks.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

August 14, 2008

Christine A. Holmes
Specialist
State Boundary Commission

RE: **Docket 2008-AP-03 Grant Township / City of Clare**

Dear Christine:

I have reviewed the PART I map, the PART III legal description and the PART V legal description in **2008-AP-03** and have the following comments for your consideration.

The petition contained two sheets labeled as the PART I map. The sheet titled "Annexation Drawing" from the PART I map appears to exclude the bottomlands of a pond from the subject property. The sheet titled "Drawing of Description" from the PART I map includes a portion of the bottomlands of a pond; however, for consistency with Michigan riparian law the property lines for submerged land should be extended at right angles with the thread of the pond from the point where the property line meets the shore.

The PART III legal description includes the vacated south one-half of Maple Grove Road of the Supervisor's Plat of Maple Grove Subdivision creating a township island. The PART I map depicts only the portion of the vacated south one-half of Maple Grove Road which abuts lot 7 in the Supervisor's Plat of Maple Grove Subdivision.

The PART I map and the PART III legal description are not accurate and are not consistent with each other.

The area described in the PART V description is greater than 75% of the area in the PART III legal description, exclusive of the road right-of-way.

The territory proposed for annexation is contiguous with the **City of Clare** limits based upon the documentation provided by the Secretary of State as of April 29, 2008.

The **City of Clare** submitted to the Secretary of State a city resolution annexing certain property to the city. On May 16, 2005, the Secretary of State confirmed receipt of this submittal and assigned it Job Number 05-022.


DLEG is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
P.O. BOX 30704 • LANSING, MICHIGAN 48909
Telephone (517) 241-6321 • Fax (517) 241-6301
www.michigan.gov/dleg

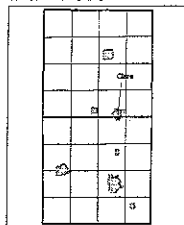
It appears from a letter to attorney Jaynie Smith Horerauf dated June 25, 2006 from the Secretary of State that this resolution has been placed in a "pending file" and not recognized as officially filed. The Secretary of State commented "Job Number 05-022 will continue to be held in the pending file until there is a resolution to the annexation question in the form of a court order, an order from the State Boundary Commission or a written agreement with Grant Township". The territory proposed for annexation includes land described in Job Number 05-022.

Sincerely,

A handwritten signature in cursive script that reads "Keith E. Lambert". The signature is written in dark ink and is positioned above the printed name.

Keith E. Lambert, P.S., Director

18 - CITY of CLARE



APPROVED

6.34 - MILES OF MAJOR STREET
18.12 - MILES OF LOCAL STREET
FOR THE PERIOD
JULY 1, 2008 to JUNE 30, 2007
BY

ACT 51 CERTIFICATION ENGINEER
ON

DATE OF APPROVAL

CITY of CLARE
CLARE & ISABELLA COUNTY

T 18N, 17N - R 4W
POP 3,173 - 2000 CENSUS
STREET SYSTEM
THE MICHIGAN HIGHWAY LAW,
PUBLIC ACT 51 OF 1951, AS AMENDED,
MICHIGAN DEPARTMENT OF TRANSPORTATION
1 inch equals 600 feet Map size 24x32

0 1 2

MAP REVISIONS BY MDLEG/BCC/OLSR FOR STATE BOUNDARY COMMISSION LEGAL SUFFICIENCY DOCKET NO. 08-AP-03
REVISIONS DRAWN BY: KEL - AUGUST 14, 2008 (BASED UPON THE PART III LEGAL DESCRIPTION)

ROAD SYSTEM

- STATE TRUNKLINE
- COUNTY PRIMARY
- COUNTY LOCAL
- CITY MAJOR
- CITY LOCAL
- ADJACENT JURISDICTION ROAD
- UNIVERSITY ROAD
- STATE PARK ROAD
- RAIL TO TRAILS

LEGEND

GEOGRAPHY

- 425 ZONES
- SECTIONS
- NON-FOCUS AREAS
- LAKE/RIVER
- HYDROGRAPHY
- RAILROAD

